Barclay-Mac. F

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PHILMOR AA31274

cc: Alexander Holtzman, Esq.

Australia
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(1W)

5TH FEBRUARY 1982

FOR MR ART PALMER PM MAN USA

CC MR OWEN SMITH PM NY USA
MR ED GRAY '' '' ''

MR GEOFF BIBLE PMA - MELB

MR DOUG CURLEWIS - PML

WE WOULD LIKE TO ADVISE THAT BARCLAY FILTER 25'S WERE LAUNCHED IN QUEENSLAND ON 25TH JANUARY.

AT PRESENT, THE PRODUCT IS ONLY BEING DISTRIBUTED TO SELECTED OUTLETS AND DISTRIBUTION (SMALL QUANTITIES) IS BEING HANDLED BY WILLS' REPRESENTATIVES, NOT THE WHOLESALE TRADE.

THE PACK BEARS THE MARKINGS 'MADE IN AUSTRALIA' AND MANUFACTURED UNDER U.S. PATENT 4256122.

FOUR COLOUR POINT OF SALE ADVERTISING IS BEING USED WITHOUT REFERENCE TO EITHER 99D TAR FREE OR NUMERIC TAR DELIVERY PROMISES. ADVERTISING IS ESSENTIALLY LIFE STYLE AND BECAUSED OF THE QUANTITIES IN DISTRIBUTION, OUR PROVISIONAL JUDGEMENT IS THAT THIS LAUNCH INVOLVES A FAIRLY COMPREHENSIVE PATENT PROTECTION OBJECTIVE.

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Source: https://www.industrydocuments.ucsf.edu/docs/ftdb0003

HOWEVER , IT IS OUR OPINION THAT WE NEED TO SPEED UP BOTH OUR ABILITY TO REACT COMPETITIVELY IN THE MARKETPLACE AND/OR TO DEVELOP TECHNICAL PRESENTATIONS TO THE APPROPRIATE GOVERNMENT AUTHORITIES IN AUSTRALIA IN ORDER TO EFFECTIVELY STOP COMMERCIAL SALE OF THIS PRODUCT.

WE ARE PRESENTLY ENDEAVOURING TO ACQUIRE SUFFICIENT PRODUCT TO CONDUCT SMOKING ANALYSIS IN MELBOURNE AND ALSO SUFFICIENT SAMPLES FOR RICHMOND EVALUATION. HOWEVER, IN THE INTERIM, AND AS THE PRODUCT APPEARS TO EMBODY THE U.S. STYLE FILTER, WE NEED SPECIFIC ADVICE AS TO WHAT OTHER ACTION MAY BE APPROPRIATE FOR PHILIP MORRIS AUSTRALIA TO UNDERTAKE, E.G. WE HOLD SOME SAMPLES OF P.M.U.S. AND P.M. FTR BARCLAY STYLE FILTERS FROM WHICH WE COULD MAKE TOKEN QUANTITIES.
CONSEQUENTLY, SHOULD IT BE ADVISABLE FROM A PATENT VIEWPOINT, WE COULD SELL A SMALL QUANTITY OF PHILIP MORRIS LIMITED BARCLAY STYLE PRODUCT FAIRLY PROMPTLY ON THE AUSTRALIAN MARKET. (PLEASE NOTE THIS IS A ILLUSTRATION OF CAPACITY, NOT OUR INTENTION).

ALSO, FOLLOWING YOUR LAST ADVICE, WE UNDERSTAND THAT SUBJECT TO NEW YORK'S CLEARANCE , ANY RETALIATORY LAUNCH BY PHILIP MORRIS AUSTRALIA WOULD INFRINGE THE B.A.T. PATENT. IT WOULD ASSIST IF YOU COULD UPDATE AND/OR CONFIRM YOUR ASSESSMENT.

ADDITIONALLY, WE ARE AWARE OF THE ACTION THAT HAS BEEN TAKEN IN EUROPE AND HAVE COPIES OF THEIR RELEVANT PRESENTATIONS FOR ASSESSMENT FOR AUSTRALIAN USE.

AS WE INTEND DEVISING VARIOUS STRATEGY ALTERNATIVES TO DAMPEN THE COMPETITIVE EFFECT OF BARCLAY IN AUSTRALIA, YOUR OPINION AND ADVICE WOULD BE APPRECIATED BY RETURN TELEX.

REGARDS
JOHN O'BRIEN

PHILMOR AA31274

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